

**KENNETH SCHMITT**  
Town Supervisor

**TOWN OF CARMEL**  
TOWN HALL

**ANN SPOFFORD**  
Town Clerk

**SUZANNE MC DONOUGH**  
Town Councilwoman  
Deputy Supervisor

60 McAlpin Avenue  
Mahopac, New York 10541

**KATHLEEN KRAUS**  
Receiver of Taxes

**MICHAEL A. BARILE**  
Town Councilman  
**FRANK D. LOMBARDI**  
Town Councilman  
**ROBERT S. SCHANIL, JR.**  
Town Councilman

Tel. (845) 628-1500 • Fax (845) 628-6836  
[www.carmelny.org](http://www.carmelny.org)

**MICHAEL SIMONE**  
Superintendent of Highways  
Tel. (845) 628-7474

**TOWN BOARD WORK SESSION**  
Wednesday, January 8, 2020 7:00pm

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**PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE**

**6:00pm Executive Session:**

1. Labor Counsel - Personnel
2. Town Legal Counsel Gregory Folchetti – Litigation Update

**Town Board Work Session:**

- Review of Town Board Minutes December 18, 2019
  - 1. Consider Proposal for Labor and Employment Counsel Services – Town of Carmel
  - 2. Michael Simone, Highway Superintendent - Consider Request to Enter into Agreement with Partners in Safety for Highway CDL drivers
  - 3. Michael Simone, Highway Superintendent – Consider Request to Purchase Vehicle – 2019 Dodge RAM 2500 Tradesman
  - 4. Willowood Gun Club – Consider Request to Amend Town of Carmel Zoning Ordinance
- **Public Comment (Three (3) Minutes on Agenda Items Only)**
  - **Town Board Member Comments**

**Open Forum:**

- **Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)**
- **Town Board Member Comments**
- **Adjournment**

Representing Management Exclusively in Workplace Law and Related Litigation



Jackson Lewis P.C.  
 44 South Broadway  
 14th Floor  
 White Plains, New York 10601  
 Tel 914 872-8060  
 Fax 914 946-1216  
 www.jacksonlewis.com

ALBANY, NY	GREENVILLE, SC	MONMOUTH COUNTY, NJ	RALEIGH, NC
ALBUQUERQUE, NM	HARTFORD, CT	MORRISTOWN, NJ	RAPID CITY, SD
ATLANTA, GA	HONOLULU, HI*	NEW ORLEANS, LA	RICHMOND, VA
AUSTIN, TX	HOUSTON, TX	NEW YORK, NY	SACRAMENTO, CA
BALTIMORE, MD	INDIANAPOLIS, IN	NORFOLK, VA	SALT LAKE CITY, UT
BIRMINGHAM, AL	JACKSONVILLE, FL	OMAHA, NE	SAN DIEGO, CA
BOSTON, MA	KANSAS CITY REGION	ORANGE COUNTY, CA	SAN FRANCISCO, CA
CHICAGO, IL	LAS VEGAS, NV	ORLANDO, FL	SAN JUAN, PR
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	LOS ANGELES, CA	PHOENIX, AZ	ST. LOUIS, MO
DALLAS, TX	MADISON, WI	PITTSBURGH, PA	TAMPA, FL
DAYTON, OH	MEMPHIS, TN	PORTLAND, OR	WASHINGTON, DC REGION
DENVER, CO	MIAMI, FL	PORTSMOUTH, NH	WHITE PLAINS, NY
DETROIT, MI	MILWAUKEE, WI	PROVIDENCE, RI	
GRAND RAPIDS, MI	MINNEAPOLIS, MN		

\*through an affiliation with Jackson Lewis P.C., a Law Corporation

MY DIRECT DIAL IS: (914) 872-6878  
 MY EMAIL ADDRESS IS: ROBERT.GUIDOTTI@JACKSONLEWIS.COM

January 2, 2020

**VIA EMAIL**

Mr. Kenneth Schmitt  
 Town Supervisor  
 Town of Carmel  
 60 McAlpin Avenue  
 Mahopac, New York 10541

Re: Proposal for Legal Services

Dear Supervisor Schmitt:

We appreciate the opportunity to submit this proposal to continue to serve as labor and employment counsel to the Town of Carmel. As you know, Jackson Lewis has served the Town in this capacity since January 2012. During our relationship, Jackson Lewis attorneys have enjoyed working with the Town Board and Town management on a number of significant labor and personnel matters. Considering that some of our attorneys and their families live in the Town, we have also appreciated the chance to work with the Town Board on behalf of the community. We welcome the chance to continue our relationship.

For 2020, we are pleased to offer an hourly rate “cap” of \$295 per hour for all attorneys. This rate cap gives the Town a significant discount off our usual hourly rates.

Thank you for considering Jackson Lewis to continue to serve as the Town’s labor and employment counsel. If you have any questions, please do not hesitate to contact us.

Very truly yours,

JACKSON LEWIS P.C.

Robert J. Guidotti

cc: Ms. Anne Pasquerello (via email)  
 Thomas P. McDonough, Esq. (via email)



# TOWN OF CARMEL HIGHWAY DEPARTMENT

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Carmel Highway Department  
55 McAlpin Avenue  
Mahopac, NY 10541

**MICHAEL SIMONE**  
*Superintendent of Highways*

845.628.7474  
FAX 845.628.1471  
MSimone@bestweb.net

**FROM THE DESK OF:** *Michael Simone*

**TO:** SUPERVISOR KENNETH SCHMITT  
TOWN BOARD

**DATE:** DECEMBER 19, 2019

**RE:** REQUEST TO APPROVE – PARTNERS IN SAFETY ANNUAL CONTRACT

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I am requesting authorization for approval of the 2020 DOT Program Agreement for our CDL drivers administered by Partners in Safety.

cc Town Clerk Ann Spofford  
Comptroller MaryAnn Maxwell



December 4, 2019

Michael Simone  
Town of Carmel Highway Department  
55 McAlpin Avenue  
Mahopac, NY 10541

Dear Mr. Simone,

Enclosed is a copy of your 2020 Service Agreement and an updated employee list for your review. Additionally, we have enclosed a Registration Information sheet that we ask you to complete in order to ensure that your account information is up to date.

To continue services going into next year, please sign and date the bottom section of the Service Agreement and return it with your payment to our corporate address: 800 Route 17M, Middletown, New York, 10940, no later than February 15, 2020. You may also e-mail your signed agreement to [Renewal@partnersinsafety.com](mailto:Renewal@partnersinsafety.com) and mail your payment separately.

**Please be advised**, the *Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse* will go into effect January 6, 2020. This secure, online database will contain real-time information about commercial drivers' drug and alcohol violations. Employers will be responsible for conducting pre-employment queries, querying the Clearinghouse annually on their current employees, and reporting certain violations and other information. Please visit: <https://clearinghouse.fmcsa.dot.gov/FAQ> for more information.

Due to the introduction of the *FMCSA Clearinghouse*, driver's license numbers will now be required for all drug and alcohol tests in lieu of social security numbers/employee ID numbers. **Please update your driver roster to include driver's license numbers.**

Should you have any questions or concerns, please do not hesitate to call the corporate office at 845-341-0515 ext. 107.

We wish you the best for this Holiday Season and thank you sincerely for your on-going confidence in our services.

Sincerely,

A handwritten signature in black ink, appearing to read "Ursula Clancy", is written over a faint circular stamp.

Ursula Clancy  
President

**Rockland County**  
55 Old Nyack Turnpike, Suite 401  
Nanuet, NY 10954  
845-624-3882

**Corporate Office**  
800 Route 17M  
Middletown, NY 10940  
845-341-0515

**Westchester County**  
15 North Broadway, Suite D  
White Plains, NY 10601  
914-285-0434

**New York City**  
408 West 45th Street  
New York, NY 10036  
212-727-8637

Complete DOT Program Agreement

Partners in Safety Inc. under the terms and conditions of this agreement shall provide drug and alcohol testing services to the Employer that meet the compliance requirements of the U.S. Department of Transportation as defined in 49 CFR Part 40 and Part 382 and your individual policy.

Complete DOT Program:

\$47.00 per Employee per year

Includes:

- All random drug tests performed by SAMSHA-certified lab
All random alcohol tests using approved evidential breath testing device
GC/MS Confirmation
Medical Review Officer service
Specimen Collection
Overnight shipment of specimen
Random selection of employees
Record Management
Internet Resulting/Updating
Collection Site Management
DOT Audit Assistance
MIS Reports
Monthly Billing
Medical facility invoicing & payment processing
Consultation with medical professionals

Additional Charges:

(Pre-employment, post-accident, reasonable cause or follow-up tests performed during normal business hours). Please note: The use of non-approved medical facilities may result in additional fees.

Table with 2 columns: Description of service and Price per test/person. Includes DOT drug test at lab (\$48.00), DOT drug test with collection (\$88.00), Return-to-Duty/Follow-Up drug test (\$78.00-\$108.00), DOT Breath Alcohol test (\$38.00-\$60.00), DOT/19A physical (\$65.00), Split Specimen Testing (\$250.00), and Emergency Service (\$160.00 per hour).

On-site medical services available upon request, minimum volume required.

Professional medical services are provided by Partner in Safety and Medicine, PLLC.

Signature and Title \_\_\_\_\_

Handwritten signature of Ursula Clancy over a horizontal line.

Client: Town of Carmel Highway Dept. \_\_\_\_\_

Ursula Clancy, President

Date: \_\_\_\_\_

Partners In Safety, Inc.

## TOWN OF CARMEL HIGHWAY DEPARTMENT

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Carmel Highway Department  
55 McAlpin Avenue  
Mahopac, NY 10541

**MICHAEL SIMONE**  
*Superintendent of Highways*

845.628.7474  
FAX 845.628.1471  
MSimone@bestweb.net

**FROM THE DESK OF:** *Michael Simone*



**TO:** SUPERVISOR KENNETH SCHMITT & TOWN BOARD

**DATE:** JANUARY 3, 2020

**RE:** REQUEST TO PURCHASE 2019 DODGE RAM 2500 TRADESMAN

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I am requesting authorization to purchase From Robert Green Truck & Auto, Vendor #3608:

**2019 DODGE RAM 2500 TRADESMAN CREW-CAB 4X4 \$43,748.50**

Purchase is per Onondaga County Contract #ONGOV-106-19 – see attached.

Per my discussion with Supervisor Schmitt and Comptroller Maxwell, my current vehicle, 2015 GMC SIERRA 3500 4WD will be transferred to the Recreation Department for their use. (Value of vehicle also attached.)

cc Comptroller MaryAnn Maxwell



Onondaga County  
Executive Department

**Division of Purchase**

John H. Mulroy Civic Center, 13<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202  
www.ongov.net  
Phone (315) 435-3458

**J. RYAN MCMAHON, II**  
*County Executive*

**DANIEL HAMMER**  
*Acting Director*

December 20, 2019

Robert Green  
Robert Green Auto & Truck  
P O Box 8002  
Rock Hill NY 12775

Re: Bid Ref. # ONGOV-106-19      Opened: December 3, 2019  
For: Heavy Duty Class 4-7 Trucks  
Dept.: Various

Dear Mr. Green:

It is the intent of the County of Onondaga to enter into a pricing agreement for and to award to your company the items indicated on the attached computation of bids sheet per the terms and conditions of the subject bid.

If you have any questions please feel free to contact Jim Corbett, Specification Writer.

Sincerely,

Daniel Hammer  
Acting Director

DH/ag

Enc: comp sheet

Cc: Tierza Sovocool, file



**COUNTY OF ONONDAGA  
DIVISION OF PURCHASE  
COMPUTATION OF BIDS**

Opened: 12/3/2019  
 Reference No.: ONGOV-106-19  
 Department: VARIOUS

No:

			TRACEY ROAD EQUIP.	BEAM MACK SALES	VAN BORTEL FORD/CHEVY	ROBERT GREENE	HUNTER BUFFALO PETERBILT	M.
			1	2	3	4	5	
ITEM No.	QTY	DESCRIPTION	BID SECURITY					
		<b>CORRECTED 12/4</b>						
		FURNISH TRUCKS (HEAVY DUTY CLASS 4-7) CAB-CHASSIS TYPE W DUMP BODIES, SNOW PLOWS AND ASSOCIATED OPTIONS/ACCESSORIES:						
1		TOTAL PRICE FOR NAVISTAR INTERNATIONAL VEHICLES:	NB	NB	NB	NB	NB	
2		TOTAL PRICE FOR HINO VEHICLES:	NB	\$ 632,034.00	NB	\$ 631,244.75	NB	
3		TOTAL PRICE FOR FREIGHTLINER VEHICLES:	\$ 457,747.00	NB	NB	NB	NB	\$
4		TOTAL PRICE FOR MACK VEHICLES:	NB	\$ 513,750.62	NB	NB	NB	
5		TOTAL PRICE FOR VOLVO VEHICLES:	NB	\$ 327,547.76	NB	NB	NB	
6		TOTAL PRICE FOR KENWORTH VEHICLES:	NB	NB	NB	NB	NB	
7		TOTAL PRICE FOR PETERBILT VEHICLES:	NB	NB	NB	NB	\$ 482,797.23	
							SEE NOTES	



CHRYSLER, DODGE, JEEP, RAM

Priced Order Confirmation (POC)

RD

NY 127013802

Printed: 2019-11-19 8:58 AM VIN: 3C6UR5CJ3KG574381 Quantity: 01  
 Estimated Ship Date: 2019-05-09 1:00 AM VON: 43497360 Status: KZ - Released by plant and invoiced  
 Date Ordered: 2019-03-11 5:08 PM Ordered By:  
 Date Modified: 2019-05-28 6:40 PM Modified By: s12578a

Sold to:  
 ROBERT GREEN CHRYSLER, DODGE, JEEP,  
 RAM (66850)  
 178 BRIDGEVILLE RD  
 MONTICELLO, NY 127013802

Ship to:  
 ROBERT GREEN CHRYSLER, DODGE, JEEP, RAM (66850)  
 178 BRIDGEVILLE RD  
 MONTICELLO, NY 127013802

2019 2500 TRADESMAN CREW CAB 4X4 (149 in WB 6FT 4 IN box) (DJ7L91)

Vehicle:

Sales Code	Description	MSRP(USD)
DJ7L91	2500 TRADESMAN CREW CAB 4X4 (149 in WB 6FT 4 IN box)	39,850
Model: 2ZA	Customer Preferred Package 2ZA	0
Package: ESA	6.4L Heavy Duty V8 HEMI with MDS	0
DFX	8-Spd Auto 8HP75-LCV Transmission	100
Paint/Seat/Trim: PXJ	Diamond Black Crystal P/C	0
APA	Monotone Paint	0
*V9	Cloth 40/20/40 Bench Seat	0
-X9	Black	295
Options: XHC	Trailer Brake Control	0
NAS	50 State Emissions	695
MRS	Flat Cab-Length Side Steps Chrome	150
JKV	115V Auxiliary Power Outlet	195
GPG	Power Black Trailer Tow Mirrors	995
A6B	Tradesman Level 2 Equipment Group	995
AMP	Chrome Appearance Group	845
AD2	Snow Chief Group	95
ADB	Protection Group	0
YG2	5.2 Additional Gallons of Gas	0
5N6	Easy Order	0
4EX	Sales Tracking	1,695

Destination Fees:

Total Price: ~~45,940~~

Order Type: Retail  
 Scheduling Priority: 4-Dealer Order  
 Salesperson:  
 Customer Name:  
 Customer Address:

PSP Month/Week:  
 Build Priority: 99

Instructions:

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.



Your Trade-in:

**2015 Chevrolet Silverado 3500 HD Regular Cab Work Truck Pickup 2D 8 ft**

[Change vehicle](#)

### What Vehicle Are You Shopping For?

Chevrolet ▼ Model ▼ 10541

[See Local Dealers](#)

## 3 Shop for Your Next Car - What Can I Afford?

Est. Trade-in Amount \$ **19,950**

Desired Monthly Payment \$ 0

Price Range Up to **\$19,950**

Credit Score Excellent (740-900) ▼

Term (Months) 60 ▼

Outstanding Loan Balance \$ 0

Additional Down Payment \$ 0

### Similar Vehicles

2020 Silverado HD  
Confident towing.  
[Shop Silverado](#)



Sponsored

2019 Chevrolet  
Silverado 3500 HD  
Crew Cab



Est. \$750/mo\*

2018 GMC Sierra

2019 Chevrolet  
Silverado 2500 HD  
Crew Cab



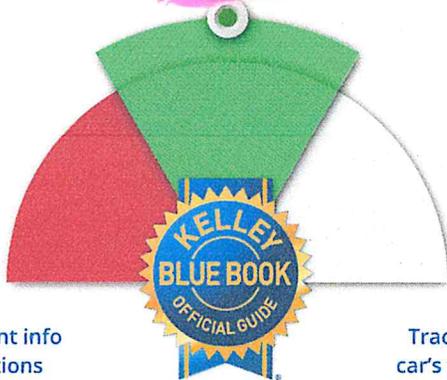
Est. \$679/mo\*

Home > What's My Car Worth > Style > Options & Condition > Work Truck Pickup 2D 8 ft

**Found**  
Is my car affected? >

**Service & Repair Estimator**  
What's a fair price? >

Trade-in Range  
**\$18,325 - \$21,574**  
Trade-in Value  
**\$19,950**



Important info & definitions

Track this car's values

### TRADE-IN VALUE

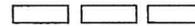
This estimated value helps you confidently negotiate with dealers.

Average Time to Trade-In:



DAYS

Level of Effort:



Medium

[See Overview of Values](#)

Condition: Very Good

Valid for ZIP Code 10541 through 01/02/2020

**Overall Consumer Rating 4 / 5**

★★★★☆ 6 Ratings

[Write a review](#)

**2 Start the Trade-in Process Online**

Plus, get a no-obligation quote for your next car.

## WORK SESSION AGENDA ITEM#4

**From:** [Spofford, Ann](#)  
**To:** [Schmitt, Kenneth](#); [McDonough, Suzanne](#); [Barile, Michael](#); [Lombardi, Frank](#); [Schanil, Robert](#)  
**Cc:** [Greg Folchetti](#); [Joseph A. Charbonneau, Esq.](#); [Trombetta, Rose](#); [Pasquerello, Anne](#)  
**Subject:** Petition for an Amendment of the Zoning Ordinance - Willow Wood Gun Club  
**Date:** Thursday, January 2, 2020 11:11:17 AM  
**Attachments:** [Willow Wood Gun Club - Petition.pdf](#)

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Good morning:

I have attached herewith, a copy of the above referenced Petition for an Amendment of the Zoning Ordinance which was hand delivered to this office today.

Please be advised that pursuant to Section 156-76 of the Town Code of the Town of Carmel, the petition was accompanied by the requisite \$5,000.00 filing fee.

**Ann Spofford**  
Town Clerk  
Town of Carmel  
60 McAlpin Avenue  
Mahopac, NY 10541  
Phone: 845.628.1500  
Fax: 845.628.7434

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*This communication **may** be confidential and is intended for the sole use of the addressee(s).  
No use or reproduction of the information provided is permitted  
without the written consent of the Town of Carmel.  
If you are not the intended recipient, you should not copy, disclose or take any action in reliance on this communication.  
If you have received this communication in error, please notify the sender by reply e-mail  
and delete the message and any attached documents.*

---

**GEORGE J. CALCAGNINI**

ATTORNEY AT LAW

376 ROUTE 202

SOMERS, NEW YORK 10589

(914) 277-2255

(914) 277-2266

FAX

(914) 277-2299

January 2, 2020

Town Board  
Town of Carmel  
60 McAlpin Avenue  
Mahopac, NY 10541



Re: Willow Wood Gun Club

Dear Board Members:

I am writing to you on behalf of Willow Wood Gun Club to request an amendment to the Zoning Ordinance with respect to the provisions governing how many parking spaces are required to a gun Club. Enclosed herewith is a formal petition for an amendment of the zoning ordinance along with my check in the sum of \$5,000 to pay the filing fee required by Section 156-76 (D) of your Zoning Ordinance. The background information and the reason for the petition as they pertain to Willow Wood Country Club, Inc., d/b/a Willow Wood Gun Club are all set forth in the petition.

I do wish to point out that the proposed change to the text of the Zoning Ordinance would benefit all membership clubs in the Town, not just Willow Wood. For example, It is my understanding the Putnam Fish and Game is also a membership club, but that it has far more members than Willow Wood and far less parking. It is also my understanding that the Italian American Club and the Knights of Columbus are also membership organizations that would not have sufficient parking at their facilities if judged by the Zoning Ordinance standard of two parking spaces for each household membership. The amendment that I am proposing is designed to make the parking requirements of the Zoning Ordinance in line with the actual parking needs of such organizations.

Based on the foregoing, I respectfully request that this petition be accepted by the Town Board and be referred to the Planning Board to review and report and that the Town Board thereafter amend the Zoning Ordinance to permit the petitioner to proceed with its sporting clays course with a reasonable number of parking spaces.

Yours truly,

  
GEORGE J. CALCAGNINI

GJC/II

Enclosures

cc: Charles V. Martabano, Esq.  
P. Daniel Hollis, III, Esq.

TOWN BOARD OF THE TOWN OF CARMEL  
COUNTY OF PUTNAM : STATE OF NEW YORK

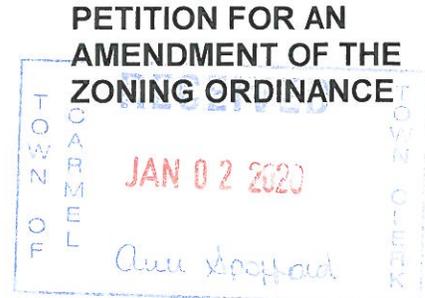
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In the Matter of the Petition of

WILLOW WOOD COUNTRY CLUB, INC.,  
d/b/a Willow Wood Gun Club,

For An Amendment of Certain Parking Requirements  
Contained in the Town of Carmel  
Zoning Ordinance

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Pursuant to Section 265 of the Town Law and Section 156-76 of the code of the Town of Carmel (hereinafter referred to as the "Code"), Willow Wood Country Club, Inc., d/b/a Willow Wood Gun Club (hereinafter referred to as the "Petitioner" or the "Club") respectfully petitions the Town Board of the Town of Carmel (hereinafter referred to as the "Town Board") for an amendment of the parking requirements contained in the Town of Carmel Zoning Ordinance as the same relate to annual membership clubs, such as Country Clubs, as conditional uses in the "R" Residential Zoning District..

**THE PETITIONER**

1. The Petitioner WILLOW WOOD COUNTRY CLUB, INC., d/b/a Willow Wood Gun Club, is a membership corporation duly organized and existing under and by virtue of the laws of the State of New York. Originally organized under the Membership Corporation Law, the Petitioner is now governed by the Not-For-Profit Corporation Law. Petitioner is the owner of approximately 85 acres of land located on Union Valley Road in the Town of Carmel, County of Putnam and State of New York

## BACKGROUND

2. In 1955 a group of local residents organized a shooting club and purchased 11 acres of land that later came to be known as Willow Wood Gun Club as a place for the shooting club to operate. That land was purchased in the name of 3 members who were New York City policemen (Ernest Kleeber, Vincent Langan and Joseph Volpato). Many of the original members were New York City Police Department Police Officers. The Club began as a rifle and pistol shooting club and later added trap shooting as an amenity. The Club was incorporated in 1955 as a Membership Corporation, meaning that the members own the corporation. The Membership Corporation Law has since been repealed and membership corporations are now governed by the Not For Profit Corporation Law.

3. After the Club was incorporated, on March 1, 1955 the three founding members conveyed the 11 acres of land into the new entity, Willow Wood Rifle and Pistol Club, Inc. In 1981 the land owned by the Club was increased by the purchase of an additional 75 acres. A correction deed was filed in 1982 to correct a technical error in the deed to the 75 acres.

4. In 1983 there was litigation with the Town concerning improvements to the Club facilities. The Appellate Division of the Supreme Court resolved that litigation concluding that "Willow Wood's use of the subject property as a gun club is a permitted conditional use under the applicable zoning ordinance provision". Willow Wood Rifle & Pistol Club, Inc. v. Town Carmel, 115 AD 2d 742 (2d Dept. 1985). The court noted that the ordinance permitting "annual membership clubs, including golf, tennis and swimming clubs are permitted conditional uses" includes gun clubs such as Willow Wood. This use remains a conditional use in the R zone as stated in the Town's current zoning code.

5. Following the Appellate Division decision, Willow Wood formally changed its name in 1986 to Willow Wood Country Club, Inc., d/b/a Willow Wood Gun Club.

**PARKING REQUIREMENTS FOR  
COUNTRY CLUBS**

6. The parking requirements for Country Clubs are set forth in Section 156-24 of the Code. In pertinent part Section 156-24 provides that:

Clubs, including country, golf, swim, tennis and other court games, shall be permitted, provided that: \*\*\*

D. On-site paved parking spaces shall be provided at a ratio of two for each member household, plus one space for each full-time employee.

7. While the above parking requirements may be appropriate for traditional country clubs, they greatly exceed the demands of a gun or shooting club. The Petitioner is purely a shotgun club. The rifle and pistol ranges are no longer in use and the Club is unlike a traditional country club. There is no pool. There is no tennis court. There is no golf course. There is no restaurant or bar. The Club does not host wedding receptions or other social functions of that type. While the existing parking requirements may be appropriate for traditional country clubs that have those above-referenced activities, it is an unrealistic standard for a country club that is simply a club dedicated to shotgun sports. Being purely a shotgun club, families do not come to Willow Wood in multiple cars and remain at the Club for the day because of the existence of multiple amenities. In point of fact, the vast majority of Petitioner's members only come a few times per year. It is a small percentage of the members, typically the serious competitive shooters, who utilize the Club's facilities on a regular basis so as to practice their skills for the

competitions they participate in throughout the country. While that core group of competitors account for most of the shots fired at the Club, they only park a small number of vehicles in the parking lot.

8. In recognition of the fact that gun clubs are significantly different from traditional country clubs, by Decision and Order dated June 29, 1987, the Carmel ZBA granted an application by the Petitioner seeking a variance with respect to the number of parking spaces. At that time the Petitioner had 62 members and one employee. Therefore, the Carmel Zoning Ordinance required 125 parking spaces (i.e. 2 per member plus one for each employee). However, back in 1987 the Petitioner's parking lot only provided 29 parking spaces. The ZBA did grant the variance, waiving 96 of the required parking spaces. On a percentage basis, that amounts to a 77% variance, which is a very reasonable parking requirement for a gun club in ratio to the parking needs of other types of country clubs. Applying the same 77% variance to the 502 spaces required under the existing code, the Club would be required to provide 115 spaces.

9. At the time the Petitioner applied for an amended site plan approval to add its sporting clays course to the site plan, it had 202 members but advised the Planning Board that it was intending to grow and cap membership at 250 members.

10. The Petitioner's current site plan proposal shows the existing 80 car parking lot, with a proposal to provide 127 valet parking spaces during registered sporting clays events to be held no more than 4 times per year. , No more than 90 shooters will be permitted to participate in each of those four events., The parking will be more than adequate to handle the limited number of contestants. The 127 valet parking spaces will be 12 more than the 115 spaces referred to above with a 77% variance and 37 more spaces than the 90 contestants.

11. The Petitioner's existing site plan approvals were issued in January of 2000 and June of 1991. The previously approved site plans show a main access road, a parking lot, 6 trap shooting ranges, a pistol range, a rifle range, a club house and various accessory buildings and improvements. The site improvements were mainly east of the existing access drive. Only the pistol range (which is adjacent to the access drive) and the new sporting clays course are west of the access drive.

12. Following the original approval, an approval from the Town of Carmel Environmental Conservation Board permitted the clearing of about 20 acres west of the previously permitted improvements. This approval is discussed in more detail below.

13. Willow Wood has now been in continuous operation as a gun club at 551 Union Valley Road since 1955. Originally it was rifle and pistol only. Soon after opening, trap shooting was also added to the sporting activities offered at the Club. There are six trap fields in operation as permitted by the previous Town of Carmel Site Plan Approval.

14. In 1975 sporting clays was introduced to the United States from England. In the late 1970's an informal rudimentary sporting clays course was used intermittently on the hillside where the current sporting clays course is located.

15. Sporting Clays has become the most popular shooting sport in the United States. Unlike trap and skeet, where the targets are always exactly the same no matter where you are, with sporting clays the targets are always different. The targets are shot from multiple stations spread out over a large course. Each station consists of multiple mobile trap machines and a moveable wooden cage from which the shooter stands to limit the field of fire. Clay targets are thrown from the trap machines. The target can be thrown at almost any angle or trajectory,

including rolling on the ground, at a variety of different speeds. The targets themselves come in a variety of sizes and configurations for different performance characteristics. Targets are released by digital radio signal from the cages and may be released sequentially or simultaneously.

Weekly mobile trap locations are reviewed by qualified club personnel and arranged to release targets within the established station limits.

16. In April 2016 the Petitioner applied to the Environmental Conservation Board for the Town of Carmel (hereinafter referred to as the "ECB") for a tree harvesting permit to clear trees from the portion of its property where the sporting clays course is now located. During the Public Hearings on that application the Petitioner disclosed to the ECB that the purpose of the tree harvesting was to raise money to purchase new trap machines and to open the area up to facilitate shooting on the hillside. The permit was issued in July 2016. After the lumber was harvested, the Club mostly used the existing farm roads and skid trails as cart paths for a sporting clays course.

17. The sporting clays course operated without incident as to parking from the Fall of 2016 until mid April 2019 when a cease and desist order was served on the Club by the Town of Carmel. Additional improvements to the sporting clay's course had been constructed in order to improve the condition of the course for the benefit of the environment, the sporting clays shooters and neighbors. Many of the existing logging trails were experiencing ongoing erosion. These logging trails were in part stabilized to provide safer trails for the users and stable surfaces preventing ongoing erosion. Part of the application for an amended site plan approval also proposed improvements to the northern portion of the trail which had experienced erosion. In addition, part of the application is to approve sound barriers constructed at the northern portion of

the course. Willow Wood has also proposed the installation of additional noise mitigation structures.

18. The members at Willow Wood are proud to have a premium sporting clay course. Great investment has been made to create a state of the art, safe, high quality course that is respectful of the surrounding community. The sporting clays course at Willow Wood has evolved into one of the best shooting grounds for recreational and competition shooting of sporting clays in the country.

19. When in operation, each week the course is reviewed by Chairman of the Sporting Clays Committee, who is a Certified Range Safety Officer and a Level 1 Certified Shooting instructor, to ensure the field of fire and course arrangement is safe for members. The course is set weekly by a specific group of designated members responsible for setting the targets. These members are trained in the safety aspects of setting targets on a sporting clays course and in many cases are Certified Range Safety Officers themselves.

20. On or about December 26, 2018 the Petitioner submitted an application to the Planning Board of the Town of Carmel for an amended site plan approval for the sporting clays course.

21. There has never been any question that the existing regular 80 parking spaces is other than more than adequate for the Petitioner's everyday activities. During the recent 4-month period that the Petitioner monitored its parking on an hourly basis, there were never any more than 36 cars in the parking lot, including during inter-club events and trap shooting events.

22. The best attended event of the year is the Petitioner's Annual Meeting, at which time numerous valuable prizes are raffled off. Even at that annual event there has never been more than 58 people present. Those 58 people included some couples who drove together.

23. However, despite it being recognized that Petitioner's parking is adequate for its operations, the Planning Board had to refer the Petitioner to the ZBA because of the parking requirements in the Code applicable to country clubs. At the proposed maximum number of members (i.e. 250 members), the Petitioner would be required to provide 502 parking spaces, representing 2 for each household membership and one for each employee. It is not feasible for the Petitioner to provide that number of parking spaces, nor is it a realistic formula for any gun club.

24. Because of the need for certain variances, on or about May 22, 2019 the Planning Board referred this matter to the ZBA for the said variances.

25. On or about July 11, 2019 the Petitioner applied to the ZBA for variances required in connection with the application before the Planning Board for the amended site plan relating to the Petitioner's sporting clays course. The variances requested at that time were for the following:

- (a) to reduce the required size of the parking spaces from 10' x 20' to 9' x 18',
- (b) to reduce the required width of the driveway from 24' to 20',
- (c) to permit the parking lot to remain gravel instead of paving it; and
- (d) to reduce the required number of parking spaces from 502 to 80.

26. A Public Hearing was held on those variance requests on July 25, 2019. Following the close of the public hearing, the ZBA voted to grant the first three above listed variances, but voted to deny the variance as to the number of parking spaces.

27. Thereafter, the Petitioner proposed a new parking plan to provide for valet parking plan capable of parking 127 cars in order to handle parking during the 3 or 4 registered sporting clays competitions to be held each year.

28. A number of neighbors attended the Public Hearing on September 26, 2019. Their complaints, however, were all about noise. Not one single person ever complained about insufficient parking.

29. As was explained to the ZBA, periodically, but no more than 3 or 4 times per year, the Petitioner will hold registered sporting clays shoots.<sup>1</sup> Willow Wood is a shooting club that caters to competitive tournament shooters. The Club is dedicated to providing a high level training facility for high level shooters. The plan is to hold a few registered shoots each year in order to promote the sport, which is a primary purpose of the Petitioner, a Not For Profit Corporation.

30. It was further explained to the ZBA that the Petitioner's sporting clays course has 14 stations. In a registered competition there cannot be more than 6 shooters in a squad. Therefore, the maximum number of shooters for a 14 station course in single rotation events, such as petition is proposing, is 84 shooters (i.e. 14 x 6). The Petitioner rounded that number up to 90 and proposed that the ZBA cap the number of contestants at 90 for registered sporting

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<sup>1</sup> Registered sporting clays shoots are competitions that are open to all shooters who are registered and ranked by the National Sporting Clays Association a/k/a the NSCA.

clays events. Petitioner further suggested that the ZBA condition the variance on Petitioner having no more than four registered sporting clays events per year.

31. During the Public Hearing on the requested variance the Petitioner also had its engineer explain that it is not feasible to add more parking spaces to the site over and above the existing 80 regular parking spaces and 127 valet parking spaces for the registered sporting clays events. He explained that:

(a) the driveway comes in from Union Valley Road to the parking lot.

(i) parking could not be expanded on either side of the driveway because<sup>2</sup>.

A to the east of the driveway is a regulated wetlands, so parking would not be allowed there.

B. to the west of the driveway are steep slopes with rock ledge and the area is heavily forested, so parking could not be put in there.

(b) the existing parking lot cannot be expanded because it is surrounded by regulated wetlands, steep slopes, rock ledge, the existing trap fields and the Clubhouse.

32. The Petitioner's engineer and attorney also explained to the ZBA at that September 26<sup>th</sup> Public Hearing that the Petitioner does have another 1 $\frac{1}{3}$  acre parcel that fronts on Union Valley Road and abuts the 75 acre parcel that the sporting clays course is on. However, that 1 $\frac{1}{3}$  acre strip of land lies between several residential properties. There is a water course that crosses the front portion of that property parallel to Union Valley road. Those wetlands are regulated by the Army Corp of Engineers, the NYS Dept. of Environmental

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<sup>2</sup> The reasons why parking could not be put alongside the driveway are the very same reasons that the ZBA gave the petitioner a variance for the width of the driveway.

Protection and the Town of Carmel. That strip of land is also heavily forested. Because of the terrain, in order to put in parking on the one and one-third acre strip, Petitioner would have to install retaining walls six feet high. Even at that, the engineer estimated that you could only add about 50 parking spaces on that strip of land. The cost of installing those spaces would be prohibitive in terms of dollar cost, environmental impacts to the wetlands, cutting of trees and putting a large parking lot adjacent to three houses.

33. At present the Petitioner's parking lot, which more than adequately meets all of its needs, including the operation of the sporting clay course, only occupies about 1 acre of land. In order to satisfy the Code and provide 502 parking spaces, the Petitioner would have to add another 4 acres of parking area. The only physical space to do that on the site, ignoring the removal of large numbers of trees, the crossing of regulated wetlands and the blasting of extensive rock ledge, would be next to and behind the residence at 507 Union Valley Road. Such a parking lot would surround that residence on two sides and would surely not be welcomed by that neighbor.

#### **REQUESTED AMENDMENT OF ZONING ORDINANCE**

34. The necessity for this petition comes about because the parking requirements as currently set forth in the Zoning Ordinance are excessive when applied to gun clubs. Clearly the current Zoning Ordinance requires far more parking spaces than would ever be required by a gun club. If the standard of measuring the required number of parking spaces is to remain based on the number of household members, the Petitioner proposes that it be set at one space for

every three household members. In order to accomplish that, Section 156-24 could be amended to read as follows:

Clubs, including country, golf, swim, tennis and other court games, shall be permitted, provided that: \*\*\*

D.(1) If the club has a golf course, swimming pool or tennis court, on-site paved parking spaces shall be provided at a ratio of two for each member household, plus one space for each full-time employee.

(2) If the club does not have a golf course, swimming pool or tennis court, on-site paved parking spaces shall be provided at a ratio of one parking space for every three member households, plus one space for each full-time employee.

35. The Town Code also sets forth requirements for parking with respect to Country Clubs in different sections of the Town Code. In contrast to the requirements of Town Code §156-24 quoted above, the Schedule of Off-Street Parking Spaces Required as set forth following §156-42 of the Town Code only requires the following:

<b>Land Use</b>	<b>Parking Spaces Required</b>
Golf & Country Clubs	10 for each golf hole
Tennis Clubs	6 for each court
Swim Clubs	1 for each 3 membership
Recreation Center:	
Baseball batting facility	1 space per station plus 1 per employee
Fields, baseball, football, soccer, etc.	10 spaces per each acre of lot area
Golf driving range	1 per tee plus 1 per employee
Squash, handball, racketball and similar courts	2 per court
Tennis Courts	5 per court

All other non-residential

1 for each 200 square feet of gross floor area.

The above provisions are an attempt to tailor the required parking to the actual parking demands of the facility, whereas the measure of number of household members set forth in Town Code §156-24 has little, if any relation, to actual parking needs of a gun club, where a large percentage of members come only a few times per year and then generally it is only one person who comes, not a family in separate cars.

36. If the above standard of requiring one parking space for every 200 square feet of gross floor area where applied to Petitioner, then Petitioner would only be required to have 17 parking spaces because the Willow Wood Clubhouse is only approximately 3,400 square feet.

37. The Town Code also has a provision applicable to commercial recreation centers that ironically requires far fewer parking spaces than it does for the less intensity operated membership clubs, such as Petitioner. In particular, Town Code §156-45.3(c) sets the parking requirements for recreation centers as follows:

- (10) minimum parking spaces to be provided shall be calculated based on the most intense proposed use of each of the facilities at any one time.

If that standard were to be applied to Willow Wood, it would yield the following:

<b>Use</b>	<b># of Spaces</b>
Sporting Clays Course (14 stations x 6 man squad)	84
Trap Fields (4 fields x 5 shooting positions per field)	20
Five Stand Field (5 shooting positions)	5

WHEREFORE, the Petitioner respectfully requests that pursuant to §156-76 of the Code and §265 of the Town Law, the Town Board

1. Accept this Petition, and
2. Refer this Petition to the Planning Board for its review and report, and
3. That upon receipt of the report by the Planning Board, the Town Board amend the Zoning Ordinance to change the parking requirements for Country Clubs that are gun clubs in accordance with the foregoing.

Dated: Somers, New York  
January 2, 2020

Respectfully Submitted:

WILLOW WOOD COUNTRY CLUB, INC.  
d/b/a Willow Wood Gun Club

By:   
GEORGE J. CALCAGNINI, Secretary

Of Counsel:

CHARLES V. MARTABANO  
Office & P.O. Box Address  
9 Mckeel Street  
Katonah, NY 10536  
(914) 242-6200

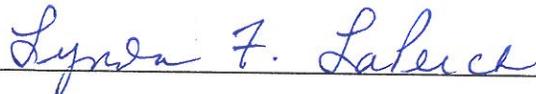
P. DANIEL HOLLIS, III  
HOLLIS LAIDLAW & SIMON, P.C.  
Office & P.O. Box Address  
55 Smith Avenue  
Mount Kisco, NY 10549  
(914) 666-5600

STATE OF NEW YORK            )  
  ) ss  
COUNTY OF WESTCHESTER )

GEORGE J. CALCAGNINI, being duly sworn, says that he is the Secretary of WILLOW WOOD COUNTRY CLUB, INC., the above named Petitioner and that the foregoing Verified Petition is true to his own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.

  
\_\_\_\_\_  
GEORGE J. CALCAGNINI

Sworn to before me this  
2<sup>nd</sup> day of January, 2020.

  
\_\_\_\_\_

Lynda F. LaPerch  
Notary Public, State of New York  
No. 01LA5075202  
Qualified in Putnam County  
Commission Expires 03/31/23

Index No.

Year 20

TOWN BOARD OF THE TOWN OF CARMEL  
COUNTY OF PUTNAM : STATE OF NEW YORK

In the Matter of the Petition of

WILLOW WOOD COUNTRY CLUB , INC.,  
d/b/a Willow Wood Gun Club,

For An Amendment of Certain Parking Requirements  
Contained in the Town of Carmel  
Zoning Ordinance.

PETITION FOR AN AMENDMENT  
OF THE ZONING ORDINANCE

GEORGE J. CALCAGNINI

Attorney for

Petitioner

376 ROUTE 202  
SOMERS, N.Y. 10589  
(914) 277-2255

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: January 2, 2020

Signature: *George J. Calcagnini*

Print Signer's Name: GEORGE J. CALCAGNINI

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within-named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. , one of the judges of the within-named Court,  
at

on

20

, at

M.

Dated:

GEORGE J. CALCAGNINI

Attorney for

To:

376 ROUTE 202  
SOMERS, N.Y. 10589

I, the undersigned, am an attorney admitted to practice in the courts of New York, and certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

Check Applicable Box  
 Attorney's Certification  
 Attorney's Verification by Affirmation

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for . I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.  
Dated:

.....  
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF ss:  
being sworn says: I am

Check Applicable Box  
 Individual Verification  
 Corporate Verification

in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. the of a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 20

.....  
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF ss:  
being sworn says: I am not a party to the action, am over 18 years of

age and reside at On , 20 , I served a true copy of the annexed in the following manner:

Check Applicable Box  
 Service by Mail  
 Personal Service  
 Service by Facsimile  
 Service by Electronic Means  
 Overnight Delivery Service

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service, addressed to the address of the addressee(s) indicated below, which has been designated for service by the addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s);  
by delivering the same personally to the persons at the address indicated below:  
by transmitting the same to the attorney by facsimile transmission to the facsimile telephone number designated by the attorney for that purpose. In doing so, I received a signal from the equipment of the attorney served indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service, addressed to the address of the addressee(s) as indicated below, which has been designated for service by the addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s);  
by transmitting the same to the attorney by electronic means upon the party's written consent. In doing so, I indicated in the subject matter heading that the matter being transmitted electronically is related to a court proceeding;  
by depositing the same with an overnight delivery service in a wrapper properly addressed, the address having been designated by the addressee(s) for that purpose or, if none is designated, to the last-known address of addressee(s). Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Sworn to before me on , 20

.....  
(Print signer's name below signature)